

**Introduced by Senator Block**

February 22, 2013

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An act to *amend Sections 78910.10 and 78910.30 of, and to add Chapter 11.5 (commencing with Section 66950) to Part 40 of Division 5 of Title 3 of, the Education Code*, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 547, as amended, Block. Public postsecondary education: online courses.

(1) Existing law, the Donahoe Higher Education Act, sets forth the missions and functions of the segments of the public postsecondary education system in the state, including the University of California administered by the Regents of the University of California, the California State University administered by the Trustees of the California State University, and the California Community Colleges administered by the Board of Governors of the California Community Colleges. Provisions of the act are applicable to the University of California only to the extent that the regents, by appropriate resolution, make them applicable.

Existing law requires the ~~Board~~ *board* of ~~Governors, governors,~~ the ~~Trustees, trustees,~~ and the ~~Regents, regents,~~ with appropriate consultation with the academic senates of the respective segments, to jointly develop, maintain, and disseminate a common core curriculum in general education courses for the purpose of transfer. Existing law deems any person who completes this transfer core curriculum as having

completed all lower division general education requirements for the University of California and the California State University.

This bill would require the academic senates of the University of California, the California State University, and the California Community Colleges to jointly develop and identify online courses that would be made available to students of each of the 3 segments for enrollment by the fall of 2014. The bill would require the online courses to be in areas defined as high demand transferable lower division courses under the Intersegmental General Education Transfer Curriculum and to be deemed to meet the lower division transfer and degree requirements for the 3 segments. The bill would require the board of governors to create an Internet portal through the California Virtual Campus that facilitates enrollment in the online courses. The bill would require funding for implementation of the bill to be provided for in the annual Budget Act, and would state the intent of the Legislature that the University of California's receipt of this funding be contingent upon its compliance with the bill's requirements. *The bill would require the academic senates to submit a progress report to the Legislature by January 31, 2014, and would require the Legislative Analyst's Office to submit a summary and analysis of the implementation of the bill's provisions to the appropriate policy and fiscal committees of the Legislature by October 31, 2015.*

Pursuant to existing law, this bill would be applicable to the University of California only upon the adoption of an appropriate resolution by the ~~Regents~~ regents.

By placing additional requirements on community college districts, the bill would impose a state-mandated local program.

(2) *Existing law, until January 1, 2014, establishes the California Virtual Campus for various purposes, including, among others, to enhance the awareness of, and access to, online courses of study.*

*This bill would extend the provisions establishing the California Virtual Campus until January 1, 2017, and would expand the purposes of the California Virtual Campus to include accomplishing the objectives established by the bill relating to online courses.*

(2)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. It is the intent of the Legislature to provide a*  
2     *means by which students at public postsecondary educational*  
3     *institutions can successfully access and complete courses that meet*  
4     *their degree objectives, and that the online courses developed*  
5     *pursuant to the provisions of this act provide a viable means for*  
6     *increasing persistence, completion, and graduation rates.*

7     ~~SECTION 1.~~

8     SEC. 2. Chapter 11.5 (commencing with Section 66950) is  
9     added to Part 40 of Division 5 of Title 3 of the Education Code,  
10    to read:

11  
12                   CHAPTER 11.5. ONLINE COURSES  
13

14    66950. (a) The Academic Senates of the University of  
15    California, the California State University, and the California  
16    Community Colleges shall jointly develop and identify online  
17    courses that shall be made available to students of each of the three  
18    segments for enrollment by the fall of 2014. The online courses  
19    shall be in areas defined as high demand transferable lower division  
20    courses under the Intersegmental General Education Transfer  
21    Curriculum.

22    (b) The online courses developed pursuant to subdivision (a)  
23    shall be deemed to meet the lower division transfer and degree  
24    requirements for the University of California, the California State  
25    University, and the California Community Colleges.

26    (c) The Board of Governors of the California Community  
27    Colleges shall create an Internet portal through the California  
28    Virtual Campus that facilitates enrollment in the courses developed  
29    pursuant to subdivision (a).

30    (d) The University of California, the California State University,  
31    and the California Community Colleges shall do both of the  
32    following:

(1) Develop a process for determining and identifying which students are most likely to succeed in the online courses developed pursuant to subdivision (a) and target enrollment efforts toward those students.

(2) Inform students of the technical requirements a student must satisfy in order to successfully participate in and complete the online courses developed pursuant to subdivision (a).

(e) (1) Funding for the implementation of this section shall be provided for in the annual Budget Act.

(2) It is the intent of the Legislature that the University of California's receipt of funding for the implementation of this section be contingent upon its compliance with the requirements of this section, notwithstanding Section 67400.

*(f) (1) By January 31, 2014, the academic senates of the respective segments shall submit a progress report to the Legislature that includes a timeline and goals for fulfilling the requirements of this chapter. The report shall be submitted in compliance with Section 9795 of the Government Code.*

*(2) The requirement for submitting a report imposed under this subdivision is inoperative on January 31, 2018, pursuant to Section 10231.5 of the Government Code.*

66951. (a) *By October 31, 2015, the Legislative Analyst's Office shall submit a summary and analysis of the implementation of the provisions of this chapter to the appropriate policy and fiscal committees of the Legislature. The report shall include information on enrollment, retention, and completion of online courses identified pursuant to subdivision (a) of Section 66950. The data shall be disaggregated by ethnicity, age, gender, and socioeconomic status.*

*(b) The academic senates of the University of California, the California State University, and the California Community Colleges shall provide any information necessary to the Legislative Analyst's Office to meet the reporting requirement specified in this section.*

SEC. 3. *Section 78910.10 of the Education Code is amended to read:*

78910.10. (a) (1) The California Virtual Campus, pursuant to funding provided to the Board of Governors of the California Community Colleges for this purpose in the annual Budget Act,

1 may pursue all of the following purposes, to the extent funding is  
2 available:

3 (A) To enrich formal and informal educational experiences and  
4 improve students' academic performance by supporting the  
5 development of highly engaging, research-based innovations in  
6 teaching and learning in K–12 public schools and the California  
7 Community Colleges, the California State University, and the  
8 University of California.

9 (B) To enhance the awareness of, and access to, highly engaging  
10 online courses of study, emphasizing courses of study that support  
11 a diverse and highly skilled science, technology, engineering, and  
12 mathematics workforce.

13 (C) To support education research, the implementation of  
14 research-based practices, and promote economic development  
15 through the use of next generation advanced network infrastructure,  
16 services, and network technologies that enable collaboration and  
17 resource sharing between formal and informal educators in K–12  
18 public schools, the California Community Colleges, the California  
19 State University, the University of California, independent colleges  
20 and universities, public libraries, and community-based  
21 organizations at locations across the state.

22 (D) To increase access to next generation Internet services, 21st  
23 century workforce development programs, and e-government  
24 services for students and staff served or employed by education  
25 entities and students served primarily online through partnerships  
26 with public libraries and community-based organizations.

27 (E) To enhance access to health care education and training  
28 programs to current or future health care workers.

29 (F) To manage digital assets and develop contracts for services  
30 necessary to provide the technical and management support needed  
31 to maximize the benefits of the high-speed, high-bandwidth  
32 network infrastructure available to public higher education entities  
33 in California.

34 (G) Through the aggregation of demand for network enabled  
35 technologies and related services from public education entities,  
36 and through partnerships with the private sector, to provide  
37 education entities with access to technical support and staff who  
38 can facilitate statewide efforts that support innovations in teaching  
39 and learning that are necessary to provide for a well-educated  
40 citizenry, and economic and 21st century workforce development.

1     (H) *To accomplish the objectives set forth in Chapter 11.5*  
2     *(commencing with Section 66950) of Part 40 of Division 5.*

3     (2) To accomplish the purposes of paragraph (1), the California  
4     Virtual Campus may partner with local educational agencies, the  
5     State Department of Education, the 11 regional California  
6     Technology Assistance Projects, the California Community  
7     Colleges, the California State University, the University of  
8     California, independent colleges and universities, public libraries,  
9     and community-based organizations to facilitate ongoing  
10    collaboration and joint efforts relating to the use of technology  
11    resources and high-speed Internet connectivity to support teaching,  
12    learning, workforce development, and research.

13    (3) Efforts conducted as a result of this chapter shall not prohibit  
14    or otherwise exclude the ability of existing or new educational  
15    technology programs from being developed, expanded, or  
16    enhanced.

17    (b) For purposes of this article, the following terms have the  
18    following meanings:

19    (1) “Online courses of study” means any of the following:

20    (A) Online teaching, learning, and research resources, including,  
21    but not necessarily limited to, books, course materials, video  
22    materials, interactive lessons, tests, or software, the copyrights of  
23    which have expired, or have been released with an intellectual  
24    property license that permits their free use or repurposing by others  
25    without the permission of the original authors or creators of the  
26    learning materials or resources.

27    (B) Professional development opportunities for formal and  
28    informal educators who desire to use the resources in subparagraph

29    (A).

30    (C) Online instruction.

31    (2) “Online instruction” means technology enabled online real  
32    time (synchronous) interaction between the instructor and the  
33    student, near time (asynchronous) interaction between the instructor  
34    and the student, or any combination thereof.

35    (c) The California Virtual Campus grant recipient may  
36    accomplish all of the following:

37    (1) Convene at least four leadership stakeholder group meetings  
38    annually comprised of representatives from the State Department  
39    of Education, the California Technology Assistance Project, and  
40    other related programs administered through the department, local

1 ~~education~~ *educational* agencies, including adult education, the  
2 California Community Colleges, the California State University,  
3 the University of California, independent colleges and universities,  
4 the California State Library, and representatives from  
5 community-based organizations to ensure the efforts affecting  
6 segments represented are appropriately meeting the needs of those  
7 segments. The leadership stakeholder group shall also coordinate  
8 and obtain assistance with the implementation of efforts delineated  
9 in this article, to identify and maintain an up-to-date list of the  
10 technology resources and tools that are necessary to support  
11 innovation in teaching and learning, and to identify opportunities  
12 for leveraging resources and expertise for meeting those needs in  
13 an efficient and cost-effective manner.

14 (2) Lead efforts to make online courses of study available across  
15 the state that include, but are not limited to, the following:

16 (A) Developing online courses of study that are pedagogically  
17 sound and fully accessible, in compliance with the federal  
18 Americans with Disabilities Act (Public Law 101-336), by students  
19 with varying learning styles and disabilities.

20 (i) The development of K–12 online courses pursuant to this  
21 subparagraph shall be achieved in partnership with local ~~education~~  
22 *educational* agencies and the California Technology Assistance  
23 Project.

24 (ii) Online courses developed for grades K–12 pursuant to this  
25 subparagraph shall be aligned to the California academic content  
26 standards and guidelines for online courses.

27 (B) Overseeing the development of at least 12 model online  
28 courses of study that, collectively, would allow students to meet  
29 the requirements of the Intersegmental General Education Transfer  
30 Curriculum (IGETC) and at least two courses that support basic  
31 skills education courses in English, English as a second language,  
32 or mathematics.

33 (C) Encouraging the entities listed in paragraph (1) to do both  
34 of the following:

35 (i) Make accessible to each other their courses of study that are  
36 funded by the state.

37 (ii) Allow their courses of study to be accessible to the general  
38 public if they determine access would not inhibit their ability to  
39 provide appropriate protection of the state’s intellectual property  
40 rights.

1 (3) Ensure that the learning objects created as part of the  
2 California Virtual Campus online courses of study with state  
3 General Fund revenues are linked to digital content libraries that  
4 include information about course content freely available to  
5 California educators and students.

6 (4) Develop formal partnership agreements between the entities  
7 listed in paragraph (1) and the California Virtual Campus, including  
8 course articulation agreements that allow qualified high school  
9 students to accelerate the completion of requirements for a high  
10 school diploma and a two-year or four-year degree and agreements  
11 that provide opportunities for part-time faculty teaching online to  
12 obtain full-time employment teaching online.

13 (5) Develop formal partnership agreements with the entities  
14 listed in paragraph (1) and others to enhance access to professional  
15 development courses that introduce faculty, teachers, staff, and  
16 college course developers to the conceptual development, creation,  
17 and production methodologies that underlie the development of  
18 online courses of study and support students' successful completion  
19 of those courses. The professional development opportunities may  
20 include, but not necessarily be limited to, all of the following:

21 (A) Addressing issues relating to copyright, permission for the  
22 use or reuse of material, use of resources in the public domain,  
23 and other intellectual property concepts.

24 (B) Accessibility for students with disabilities.

25 (C) Factors to ensure that content is culturally relevant to a  
26 diverse student body.

27 (D) Delivery options that incorporate multiple learning styles  
28 and strategies.

29 (6) Develop formal partnership agreements with entities,  
30 including, but not limited to, those listed in paragraph (1), to ensure  
31 access to online professional learning communities that incorporate  
32 the use of Internet-based collaboration tools and to support joint  
33 discussions between K–12 educators, higher education faculty and  
34 staff, and others to examine student performance data, student  
35 learning objectives, curriculum, and other issues that relate to  
36 students' academic success and preparation for the workforce.

37 (7) In partnership with entities, including those listed in  
38 paragraph (1), develop an e-portfolio system that allows  
39 participating students to demonstrate their attainment of academic  
40 learning objectives, skills and knowledge that relate to their career

1 interests, and completion of prerequisites for participation in  
2 courses or training programs. The e-portfolio system may do all  
3 of the following:

4 (A) Ensure that student privacy is protected in accordance with  
5 existing law.

6 (B) Comply with accessibility laws for students with disabilities.

7 (C) Be designed in a manner that supports the use of e-portfolio  
8 content in the accreditation requirements of schools, colleges, and  
9 universities.

10 (8) In partnership with entities, including those listed in  
11 paragraph (1), identify opportunities to enhance students' access  
12 to medical education and medical services through the use of  
13 high-speed Internet connections to the campuses, and opportunities  
14 for education programs and services to support the telehealth efforts  
15 taking place within the state.

16 (d) The lead agency for the California Virtual Campus, in  
17 consultation with the leadership stakeholder group described in  
18 paragraph (1) of subdivision (c) if that group is convened by the  
19 California Virtual Campus grant recipient, shall contract with an  
20 independent third party with expertise in online teaching, learning,  
21 and the development of online courses of study, as approved by  
22 the board, to evaluate the California Virtual Campus. The  
23 evaluation shall include, but not be limited to, an assessment of  
24 the number of faculty, teachers, consortia, informal educators, and  
25 students that use the online courses of study, the quality of students'  
26 experiences, student grades earned, and the cost of the online  
27 course content, comparing the online course content with traditional  
28 textbooks. The board may require additional information that it  
29 determines to be necessary to evaluate the effectiveness and  
30 viability of the California Virtual Campus. This evaluation shall  
31 be submitted to the Legislature no later than three years after the  
32 enactment of this act.

33 *SEC. 4. Section 78910.30 of the Education Code is amended*  
34 *to read:*

35 78910.30. This article shall remain in effect until January 1,  
36 ~~2014~~, 2017, and as of that date is repealed, unless a later enacted  
37 statute, that is enacted before January 1, ~~2014~~, 2017, deletes or  
38 extends that date.

1     ~~SEC. 2.~~

2     *SEC. 5.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

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